

From: jkm@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: PFJ comments

Please note that I have also signed the petition found at <http://www.kegel.com/remedy/letter.html>. I do not have the time or endurance to wade through and analyze a wordy piece of legalese, so I am basing my comments on the various stories in the mainstream press.

I have been using MS products since the late 80s and Linux since approximately 1994 and "open source" software since 1992. I have also been a professional programmer and systems administrator for over 10 years.

Since MS was found guilty in a court of US law, and the original penalty was breaking MS into separate companies, I want to state that I am not in favor of breaking up Microsoft for a couple of reasons, primarily because it would not fix any problems. What would stop the two or three new companies from colluding and sharing practices that would be detrimental to other companies ability to compete fairly? If a company that has shown itself to blatantly ignore the previous judgement against them, and has discovered new and illegal non-competitive practices in the meanwhile, would you trust them to play fair in the future?

Microsoft's proposed settlement not only avoids the issue of guilt, but it also avoids any penalty and even goes so far as to further entrench Microsoft as the only viable OS. Being the richest company in the world, their offer to donate software and hardware (mostly software, which costs them nothing and gains them everything) is hilarious. If an individual were to be found to be guilty of 1st degree murder in a court of law, but happened to have enough money to delay the end result as long as Microsoft has, and then successfully bartered for a trivial penalty, our justice system would be considered a complete joke.

Never before has one company held so much power. The various Windows operating systems and applications are used by a substantial majority of the worlds population. If another company innovates in any way that might threaten Microsoft, one of three things happens:

1) They buy the company. Very simple and when you have as much cash as Microsoft, the money it takes is very small.

2) Embrace and extend. This is the practice of taking a publicly available API and adding proprietary functionality that is unavailable to everyone else. For example, this was done with Kerberos, a package that provides secure network authentication.

3) They create their own version and give it away for free. Just to name a few: Internet Explorer(a), Windows Media Player, and IIS (the web server software).

(a) Granted, Netscape did not help their case by failing to innovate or improve their product during time frame between version 3 and version 4 of their respective internet browsers, during which the usage scale shifted from Netscape to Microsoft.

Back to my point concerning the power of Microsoft. Due to how MS licenses their products and hides some if not all of their APIs, they have the ability to create software with which no one else may interact. Some examples include the NT file system (NTFS) and the Windows Media Player audio and video formats, and the windows file sharing protocol. The first and third examples above actually have projects that are attempting to reverse engineer how they work, but that work is slow and tedious. Currently, the Samba project has been successful implementing the file sharing protocol, but the efforts to reverse engineer NTFS seem to be stalled at reading, but not writing, the NT filesystem.

Personally, I believe the best solution is a mix of opening the APIs and assuring that Microsoft does not engage in additional anti-competitive practices. The future of computing will parallel the future of our economy, and no one company should have such a majority vote in how it develops.

There may be better arguments, both in terms of eloquence and research, but the underlying theme of Microsoft's guilt and lack of pennance still remains.

Sincerely,

Kevin McFadden
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